

AMENDED IN SENATE JUNE 9, 2011

SENATE BILL

No. 878

Introduced by Senator DeSaulnier

February 18, 2011

~~An act to amend Section 24409 of the Vehicle Code, relating to vehicles. An act to add Section 66536.3 to the Government Code, relating to regional planning.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 878, as amended, DeSaulnier. ~~Vehicles: headlights: use of multiple beams.~~ *Regional planning: Bay Area.*

(1) The Metropolitan Transportation Commission Act creates the Metropolitan Transportation Commission as a regional agency in the 9-county Bay Area with comprehensive regional transportation planning and other related responsibilities, including development of a regional transportation plan with a sustainable communities strategy. Existing law requires a joint policy committee of the commission, the Association of Bay Area Governments, the Bay Area Air Quality Management District, and the San Francisco Bay Conservation and Development Commission to coordinate the development and drafting of major planning documents prepared by the 4 agencies.

This bill would require the joint policy committee to submit a report to the Legislature by January 31, 2013, on, among other things, methods and strategies for developing and implementing a multiagency set of policies and guidelines relative to the Bay Area region's sustainable communities strategy, including recommendations on organizational reforms for the regional agencies. The bill would require preparation of a work plan for a regional economic development strategy to be submitted to the Legislature on that date. The bill would also require

the member agencies to report on public outreach efforts that they individually or jointly perform. The bill would require public meetings in each of the region's 9 counties and creation of advisory committees, as specified. By imposing new duties on local agencies, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~(1) Existing law requires, whenever a motor vehicle is being operated during darkness, a driver to use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the specified requirements and limitations. A violation of the Vehicle Code is a crime.~~

~~This bill would revise these specified requirements and limitations to prohibit the use of light of such an intensity that it poses a distraction to drivers of oncoming vehicles and to drivers of vehicles being followed. By expanding the scope of an existing crime, the bill would impose a state-mandated local program.~~

~~(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *The Counties of Alameda, Contra Costa, Marin, Napa, San*
- 4 *Francisco, San Mateo, Santa Clara, Solano, and Sonoma share*
- 5 *the shoreline of the San Francisco Bay estuary system.*

(b) *The transportation technologies of the 19th and 20th centuries progressively integrated the movement of people and goods among the nine counties, beginning with ferryboats plying the San Francisco Bay and the rivers flowing into it; the passenger railroad service between San Jose and San Francisco beginning in 1864; the interurban rail networks linking the communities within the East Bay and the communities of the North Bay; the Golden Gate Bridge and the San Francisco-Oakland Bay Bridge, erected as public works projects during the Great Depression to facilitate the movement of motor vehicles throughout the region; the construction of the regional freeway network after World War II; and the creation of the Bay Area Rapid Transit District in 1957 and the inauguration of BART transit service in 1972.*

(c) *The investments in a multimodal transportation network created an integrated regional manufacturing, financial, and technology economy as well as opportunities for housing a growing population. Regional business, governmental, and conservation interests recognized that the infrastructure investments and the dynamic economy they support created unintended consequences, including the degradation of the atmosphere, despoiling of the shoreline shared by the counties, land use decisions often inconsistent and at cross purposes with neighboring communities, and a continuing need to rationalize the transportation system and to marshal resources for its expansion, maintenance, and operations.*

(d) *Various institutional reforms were initiated during the mid-20th century to address the unintended consequences of economic development, including the formation of the Bay Area Air Quality Management District in 1955; the formation of a voluntary council of governments, the Association of Bay Area Governments, in 1961 to enhance the coordination of policy decision across municipal and county boundaries; the formation of the Bay Conservation and Development Commission in 1965 with the mission of persevering in protection of San Francisco Bay and its estuary system from destructive and ill-planned encroachment; and the establishment of the Metropolitan Transportation Commission in 1970, California's first statutorily created regional transportation planning agency, to plan the region's transportation infrastructure, to prioritize transportation*

1 *investments, and to organize and manage the allocation of financial*
2 *resources necessary to implement the regional transportation plan.*

3 *(e) The accomplishments of the above-referenced regional*
4 *institutions are among the most significant in the state and nation*
5 *and have been acknowledged by emulation or peer recognition.*
6 *The Legislature recognized that the accomplishments of the special*
7 *purpose regional institutions are noteworthy, but a new benchmark,*
8 *the integration of regional planning and environmental regulations,*
9 *is necessary to achieve the goals of sustainable communities as*
10 *called for in SB 375 of the 2007–2008 Regular Session (Chapter*
11 *728, Statutes of 2008). To this end, it is necessary to direct the*
12 *imagination and talent of the San Francisco Bay Area’s most*
13 *significant regional institutions to addressing the new benchmarks*
14 *and expectations established by SB 375.*

15 *SEC. 2. Section 66536.3 is added to the Government Code, to*
16 *read:*

17 *66536.3. (a) The joint policy committee shall prepare a report*
18 *for submission to the Senate Committee on Transportation and*
19 *Housing and the Assembly Committee on Transportation on or*
20 *before January 31, 2013, addressing all of the following:*

21 *(1) Methods and strategies for developing and promulgating a*
22 *multiagency set of policies and guidelines governing the*
23 *sustainable communities strategy required pursuant to*
24 *subparagraph (B) of paragraph (2) of subdivision (b) of Section*
25 *65080.*

26 *(2) Methods and strategies for improving the efficiency and*
27 *effectiveness of policy setting and managerial coordination among*
28 *the regional agencies constituting the joint policy committee.*

29 *(3) Methods and strategies for ensuring that the public in the*
30 *nine counties of the region has an opportunity to comment on the*
31 *proposed policies and standards that will be promulgated by the*
32 *joint policy committee for implementing the sustainable*
33 *communities strategies. When preparing the strategies, there shall*
34 *be included criteria to assess the transparency in regional*
35 *decisionmaking.*

36 *(4) Recommendations on organizational reform to effectuate*
37 *the above requirements, including recommendations as to whether*
38 *such a regional organization shall be established by legislation,*
39 *a joint exercise of power agreement, or some other institutional*
40 *arrangement specifying the terms of interagency collaboration*

1 *that address the sustainable communities requirements. The report*
2 *should include the criteria for selecting the recommended*
3 *institutional arrangement.*

4 *(b) The joint policy committee shall prepare a work plan for a*
5 *nine-county economic development strategy to be submitted to the*
6 *Senate Committee on Transportation and Housing and the*
7 *Assembly Committee on Transportation on or before January 31,*
8 *2013. The report shall include, but not be limited to, the following:*

9 *(1) Coordination of the regional sustainable communities*
10 *strategy with local goals for the recruitment and retention of*
11 *manufacturing, production facilities, business services, and other*
12 *business enterprises providing high quality jobs that will*
13 *remunerate employees sufficiently so that their household incomes*
14 *will allow them to live in the Bay Area, educate their children, and*
15 *enjoy the region's amenities.*

16 *(2) Regional strategies to ensure the coordination of*
17 *infrastructure investments, including transportation facilities and*
18 *services, for planned employment centers.*

19 *(3) Strategies for ensuring a common regulatory system for*
20 *deployment and permitting of energy conservation facilities and*
21 *improvements.*

22 *(4) Regional strategies for adaptation to climate change.*

23 *(c) The activities associated with development of the reports in*
24 *subdivisions (a) and (b) shall include public meetings in each of*
25 *the region's counties. In addition, communication with the public*
26 *in that regard shall include the use of conventional media as well*
27 *as social media. Advisory committees shall be formed that include*
28 *representation from the regional business community, labor, and*
29 *other interests.*

30 *(d) The member agencies of the joint policy committee shall*
31 *also prepare a report identifying the public outreach and*
32 *community outreach efforts that they individually or jointly perform*
33 *under federal and state law when carrying out the respective*
34 *missions of their agencies. The report shall identify the criteria*
35 *they use to determine the communities and groups that will be the*
36 *subject of outreach. The report shall identify the actions and*
37 *methods that the agencies employ to ensure that policy decisions*
38 *are made in a transparent and accessible fashion. The report*
39 *prepared by each agency shall be submitted to the Senate*
40 *Committee on Transportation and Housing and the Assembly*

1 *Committee on Transportation on or before January 31, 2013, and*
2 *may be incorporated with the other reports required by*
3 *subdivisions (a) and (b).*

4 *SEC. 3. If the Commission on State Mandates determines that*
5 *this act contains costs mandated by the state, reimbursement to*
6 *local agencies and school districts for those costs shall be made*
7 *pursuant to Part 7 (commencing with Section 17500) of Division*
8 *4 of Title 2 of the Government Code.*

9 ~~SECTION 1. Section 24409 of the Vehicle Code is amended~~
10 ~~to read:~~

11 ~~24409. Whenever a motor vehicle is being operated during~~
12 ~~darkness, the driver shall use a distribution of light, or composite~~
13 ~~beam, directed high enough and of sufficient intensity to reveal~~
14 ~~persons and vehicles at a safe distance in advance of the vehicle,~~
15 ~~subject to the following requirements and limitations:~~

16 ~~(a) Whenever the driver of a vehicle approaches an oncoming~~
17 ~~vehicle within 500 feet, the driver shall use a distribution of light~~
18 ~~or composite beam so aimed that the glaring rays are not projected~~
19 ~~into the eyes of the oncoming driver and shall not use a light of~~
20 ~~such intensity that it poses a distraction to drivers of oncoming~~
21 ~~vehicles. The lowermost distribution of light specified in this article~~
22 ~~shall be deemed to avoid glare at all times regardless of road~~
23 ~~contour.~~

24 ~~(b) Whenever the driver of a vehicle follows another vehicle~~
25 ~~within 300 feet to the rear, he shall use the lowermost distribution~~
26 ~~of light specified in this article and shall ensure that it is not of~~
27 ~~such an intensity as to pose a distraction to the driver of the vehicle~~
28 ~~being followed.~~

29 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
30 ~~Section 6 of Article XIII B of the California Constitution because~~
31 ~~the only costs that may be incurred by a local agency or school~~
32 ~~district will be incurred because this act creates a new crime or~~
33 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
34 ~~for a crime or infraction, within the meaning of Section 17556 of~~
35 ~~the Government Code, or changes the definition of a crime within~~
36 ~~the meaning of Section 6 of Article XIII B of the California~~
37 ~~Constitution.~~